

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 517

(By Senators K. Facemyer and Unger)

[Originating in the Committee on Agriculture;
reported February 21, 2012.]

A BILL to amend and reenact §62-11C-5 of the Code of West Virginia, 1931, as amended, relating to creating community beautification and reclamation programs for state highways, municipal, county and state parks and recreation areas and community gardens through the West Virginia Community Corrections Act.

Be it enacted by the Legislature of West Virginia:

That §62-11C-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 11C. THE WEST VIRGINIA COMMUNITY CORRECTIONS
ACT.**

§62-11C-5. Establishment of programs.

1 (a) Any county or combination of counties or a county or
2 counties and a Class I or II municipality may establish and
3 operate community corrections programs, as provided for in
4 this section, to be used both prior to trial as a condition of
5 bond in circuit and magistrate court, as well as an alterna-
6 tive sentencing option for those offenders sentenced within
7 the jurisdiction of the county or counties which establish and
8 operate the program: *Provided*, That the chief judge must
9 certify that the community corrections facility is available
10 for use in connection with the imposition of pretrial bond
11 conditions.

12 (b) Any county or combination of counties or a county or
13 counties and a Class I or II municipality that seek to estab-
14 lish programs as authorized in this section shall submit plans
15 and specifications for the programs to be established,
16 including proposed budgets, for review and approval by the
17 community corrections subcommittee established in section
18 three of this article.

19 (c) Any county or combination of counties or a county or
20 counties and a Class I or II municipality may establish and
21 operate an approved community corrections program to
22 provide alternative sanctioning options for an offender who

23 is convicted of an offense for which he or she may be sen-
24 tenced to a period of incarceration in a county or regional
25 jail or a state correctional facility and for which probation or
26 home incarceration may be imposed as an alternative to
27 incarceration.

28 (d) Community corrections programs authorized by
29 subsection (a) of this section may provide, but are not limited
30 to providing, any of the following services:

- 31 (1) Probation supervision programs;
- 32 (2) Day fine programs;
- 33 (3) Community service restitution programs;
- 34 (4) Home incarceration programs;
- 35 (5) Substance abuse treatment programs;
- 36 (6) Sex offender containment programs;
- 37 (7) Licensed domestic violence offender treatment
38 programs;
- 39 (8) Day reporting centers;
- 40 (9) Educational or counseling programs; ~~or~~
- 41 (10) Drug courts;
- 42 (11) Community beautification and reclamation programs
43 for state highways, municipal, county and state parks and
44 recreation areas, and community gardens.

45 (e) A county or combination of counties or a county or
46 counties and a Class I or II municipality which establish and
47 operate community corrections programs as provided for in
48 this section may contract with other counties to provide
49 community corrections services.

50 (f) For purposes of this section, the phrase “may be
51 sentenced to a period of incarceration” means that the
52 statute defining the offense provides for a period of incar-
53 ceration as a possible penalty.

54 (g) No provision of this article may be construed to allow
55 a person participating in or under the supervision of a
56 community corrections program to earn “good time” or any
57 other reduction in sentence.